

RABINOWITZ, LUBETKIN & TULLY, LLC

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Larry K. Lesnik

Counsel to Jay L. Lubetkin, Esq.,

Chapter 7 Trustee

In re:

40 LAKEVIEW DRIVE, LLC,

Debtor.

Case No. 15-14692 (VFP)

Chapter 7

JAY L. LUBETKIN, Chapter 7 Trustee for 40
LAKEVIEW DRIVE, LLC,

Plaintiff,

v.

IRFAN SHEIKH ; and QUINCY WONG,

Defendants.

Adv. Pro. No. 16-01165 (VFP)

Trial Date: October 25, 2017

PLAINTIFF'S OBJECTION TO DEFENDANT'S TRIAL EXHIBITS

Plaintiff Jay L. Lubetkin, Chapter 7 Trustee for 40 Lakeview Drive, LLC, by and through his attorneys, Rabinowitz, Lubetkin & Tully, LLC, hereby submits the following objection to the Defendant's trial exhibits:

1. On May 9, 2017, an order was entered in the within matter requiring, *inter alia*, that within 14 days before trial, each party must "serve a copy of the pre-marked exhibits on each opposing party and provide one bound copy of the exhibits to the Court in Chambers ...; and file and serve on each opposing party a list of witnesses."

2. On October 5, 2017, Plaintiff's counsel sent an e-mail to Defendant's counsel specifically reminding him of the need to "serve pre-marked exhibits on each other and also file and serve a list of proposed witnesses." A copy of such e-mail is attached hereto as Exhibit "A".

3. Rather than comply with the terms of the aforesaid order, Defendant's counsel sent a letter to the Plaintiff's counsel dated October 11, 2017 in which he attached six unmarked exhibits and referenced the Defendant's proposed trial witness. Such submission failed to comply with the terms of the May 9, 2017 order in several respects, including the fact that none of the exhibits were pre-marked and no witness list was filed with the Court.

4. Accordingly, the Plaintiff objects to the admission into evidence of any of the Defendant's exhibits due to his failure to comply with the terms of the May 9, 2017 order.

5. Among the exhibits was a copy of a mortgage from Grace Wong to Irfan Sheikh and a filed copy of the satisfaction of such mortgage. Plaintiff objects to the admission of such exhibit into evidence as being irrelevant to the issues at trial, since the Plaintiff's complaint against Mr. Sheikh has already been dismissed.

Dated: October 18, 2017

RABINOWITZ, LUBETKIN & TULLY, LLC
Counsel to Plaintiff, Jay L. Lubetkin

/s/ Larry K. Lesnik
LARRY K. LESNIK

EXHIBIT A

ATTORNEYS AT LAW

JONATHAN I. RABINOWITZ*

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October 10, 2017

Harold C. Petzold, Esq.
315 Burnt Meadow Road
Ringwood, NJ 07456

**Re: 40 Lakeview Drive, LLC
Case No. 15-14692 (VFP)**

**Lubetkin v. Wong
Adv. No. 16-1165 (VFP)**

Dear Mr. Petzold:

In your capacity as counsel to defendant Quincy Wong in the above-referenced matter, I am hereby serving you with a copy of the Plaintiff's Indexed Trial Exhibits and List of Proposed Witnesses. As required by the Court's May 9, 2017 Order, I have also filed the aforesaid list of witnesses and am providing the Court with a copy of the Plaintiff's proposed trial exhibits along with a copy of this letter. Please be certain that you timely comply with your similar obligation to provide this firm with the Defendant's list of witnesses and proposed trial exhibits, as per my October 5, 2017 e-mail reminder to you in this regard.

Very truly yours,



Larry K. Lesnik

cc (w/encl.)

Honorable Vincent F. Papalia, U.S.B.J. (via Overnight Delivery)

LKL:jc